

# **Attachment A**

|                                          |
|------------------------------------------|
| <b>Recommended conditions of consent</b> |
|------------------------------------------|

## Relevant matters

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

Under section 76(4) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

*Note: Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).*

*A deferred commencement consent will lapse within the relevant period set out in sections 4.53(6)(a)-(c) of the EP&A Act, if the applicant fails to satisfy the consent authority as to the matter(s) specified in the deferred commencement condition.*

## PART A – DEFERRED COMMENCEMENT CONDITIONS

(A) The consent is not to operate until the following condition is satisfied:

### (1) STORMWATER CONCEPT MANAGEMENT DESIGN PLAN

The stormwater concept drainage management plans (Dwg: STW-DA-100/revB, dated 10.02.2025) are not approved.

The following information must be provided as part of the submission:

- (a) Delineation of the contributing catchment areas.
- (b) Updated proposal for stormwater drainage connection to the existing drainage network in accordance with requirements of the City's DCP Section 3, Part 3.7.2 Drainage & Stormwater Management and Stormwater Drainage Manual.
- (c) Details of the relevant existing pipe network, including capacity, pipe sizes, to justify compliance with the above requirements.
- (d) Longitudinal section of the proposed connection, including control/boundary surcharge pit and the connection point, prepared in accordance with the City's design standards.
- (e) Details of all existing and proposed drainage easements, including their dimensions and locations, to be clearly shown on the submitted plans.
- (f) A DRAINS model report demonstrating that the proposed stormwater design is consistent with, and supports, the submitted design documentation.

All information must be provided to enable an assessment of the proposed stormwater drainage arrangements.

**Reason**

To ensure the site is adequately serviced for stormwater drainage

(B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act, 1979.

(C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

### PART B – CONDITIONS OF CONSENT

## SCHEDULE 1

### PART A - GENERAL CONDITIONS

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/1026 dated 27 October 2025 and the following drawings prepared by McGregor Westlake Architecture:

| Drawing Number  | Drawing Name                         | Date      |
|-----------------|--------------------------------------|-----------|
| 03 (Revision J) | Demolition Plans                     | 21/8/2026 |
| 04 (Revision J) | Demolition Sections                  | 21/8/2026 |
| 05 (Revision I) | Basement 3                           | 17/7/2026 |
| 06 (Revision H) | Basement 2                           | 17/7/2026 |
| 07 (Revision L) | Lower Ground Floor Plan / Basement 1 | 21/8/2026 |
| 08 (Revision K) | Ground Floor Plan                    | 21/8/2026 |
| 09 (Revision I) | Level 1 Plan                         | 22/7/2026 |
| 10 (Revision H) | Level 2 Plan                         | 17/7/2026 |
| 11 (Revision H) | Level 3 Plan                         | 17/7/2026 |
| 12 (Revision H) | Level 4 Plan                         | 17/7/2026 |
| 13 (Revision H) | Level 5 Plan                         | 17/7/2026 |

| Drawing Number  | Drawing Name                               | Date      |
|-----------------|--------------------------------------------|-----------|
| 14 (Revision H) | Roof Plan                                  | 17/7/2026 |
| 15 (Revision H) | Streetscape Elevations – Darlinghurst Road | 17/7/2026 |
| 16 (Revision H) | East Elevation – Darlinghurst Road         | 17/7/2026 |
| 17 (Revision H) | North Elevation – Earl Street              | 17/7/2026 |
| 18 (Revision H) | West Elevation                             | 17/7/2026 |
| 19 (Revision H) | South Elevation                            | 17/7/2026 |
| 20 (Revision H) | Section 1                                  | 17/7/2026 |
| 21 (Revision K) | Section 2                                  | 21/8/2026 |
| 22 (Revision L) | Section 3 & 4                              | 21/8/2026 |
| 23 (Revision H) | Finishes Schedule                          | 17/7/2026 |
| 53 (Revision H) | Secure Lockable Storage Facilities 1       | 17/7/2026 |
| 54 (Revision H) | Secure Lockable Storage Facilities 2       | 17/7/2026 |
| 57 (Revision H) | Bed Types and Room Sizes                   | 17/7/2026 |

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

### **Reason**

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**(2) DESIGN MODIFICATIONS**

The development must be modified as follows:

- (a) The kerb, gutter and pram ramp annotated on Earl Street are not approved under this development consent and must be removed from the architectural drawings.
- (b) No demolition of the existing shopfront glazing which projects into Stratum Lot 2 (the Sydney Trains Pedestrian arcade) is approved. The existing ground floor demolition plan must be amended to reflect this and align with the approved proposed floor plan.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.

**Reason**

To require amendments to the approved plans and supporting documentation following assessment of the development.

**(3) WINDOWS – OBSCURE GLAZING AND PRIVACY FILM**

- (a) The windows to the lightwell and the lift lobby on Level 1 above the pedestrian arcade are to be installed with obscure glass blocks.
- (b) The windows on the north-western boundary to rooms 1.01, 2.01, 3.01, 4.01 and 5.01 are to be installed with privacy film to a height of 1.6m above the finished floor level of each floor.

**Reason**

To achieve acceptable visual privacy protection.

**(4) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT**

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

| <u>Contribution Category</u> | <u>Amount</u> |
|------------------------------|---------------|
| Open Space                   | \$128,078.86  |
| Community Facilities         | \$2,467.65    |
| Traffic and Transport        | \$4,343.47    |
| Stormwater Drainage          | \$0.00        |
| Total                        | \$134,889.98  |

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

$C_{\text{payment}}$  = Is the contribution at time of payment;

$C_{\text{consent}}$  = Is the contribution at the time of consent, as shown above;

$CPI_{\text{payment}}$  = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 102.49 for the June 2026 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

### **Reason**

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

### **(5) AFFORDABLE HOUSING CONTRIBUTION – RESIDUAL LAND OR CENTRAL SYDNEY – PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION – PRIOR TO CONSTRUCTION CERTIFICATE**

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.
- (b) The contribution is \$25,061.58 (indexed at 24 August 2026). This is calculated by establishing the sum of the equivalent monetary contribution \$11,223.28 multiplied by 1% of the total floor area for non-residential development (223.3sqm).

- (c) If the contribution is paid after the indexation period in which the consent is granted, being March 2026 to February 2027, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment =  $C \times \text{MDP2} / \text{MDP1}$ , where:
- (i) C is the original total contribution amount payable to the City of Sydney as shown above;
  - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and
  - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being March 2026 to February 2027.

Contact Council's Planning Assessment Unit at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) for written confirmation of the amount payable, with indexation as necessary, prior to payment.

### Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

## (6) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

| Housing and productivity contribution                  | Amount          |
|--------------------------------------------------------|-----------------|
| Housing and productivity contribution (base component) | \$890.57        |
| Transport project component                            | Nil             |
| <b>Total housing and productivity contribution</b>     | <b>\$890.57</b> |

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.



The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

**Reason**

To require contributions towards the provision of regional infrastructure.

**(7) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction and rectification of any road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The public domain works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" and Standard Drawings including amendments and "Sydney Streets Design Code".

**Reason**

To ensure all roadway works are designed and constructed in accordance with Council requirements.

**(8) COST OF SIGNPOSTING**

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**Reason**

To ensure all associated roadway works costs are borne by the developer.

**(9) SWINGING DOORS OVER PUBLIC WAY**

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

**Reason**

To ensure no element of the development obstructs the use of the public way.

**(10) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

**Reason**

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

**(11) NO OBSTRUCTIONS**

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel, then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any type of Occupation Certificate.

**Reason**

To ensure there are no obstructions on public footways and paths of travel

**(12) NO STRUCTURES ON STREET-FACING ROOF PLANE**

No solar hot water heater storage tanks, ventilators, air conditioning units, satellite dishes and antennae or the like are to be placed on the street-facing roof plane of the building.

**Reason**

To ensure an appropriate heritage/streetscape outcome.

**(13) PLAN OF MANAGEMENT**

- (a) The Plan of Management submitted with this application dated 19 March 2026 is not approved. The Plan of Management must be updated to include the minimum criteria as stipulated in Council's Sydney Development Control Plan 2012 – Section 4.4.8 and address the following:
  - (i) Provision of strengthened access control for all guest floors, communal areas, and storage spaces.
  - (ii) Provision of enhanced CCTV coverage and lighting throughout internal and external areas.
  - (iii) Provision of clear signage outlining behavioural expectations, visitor rules, and safety information.
  - (iv) Regular maintenance and security checks to ensure all safety features remain functional.
  - (v) Provision of guest information on e-bike safety and NSW road rules.
  - (vi) Ongoing communication with local police regarding incidents and emerging issues.
  - (vii) Operational practices that acknowledge the surrounding dense residential area, including measures to minimise noise, antisocial behaviour, and late-night disturbances.

- (viii) Operational hours for the entrance to the backpacker accommodation entrance from the Sydney Trains pedestrian arcade and how this will be managed.
- (ix) Deletion of reference to the arcade entry for the backpackers accommodation.
- (x) The management measures outlined in the approved acoustic report, including hours of use limited to 7am-10pm for the rooftop communal space, maximum limit of 14 people within the rooftop communal outdoor area at any one time, no amplified music to be used in the outdoor communal area and no parties permitted on the rooftop area.
- (xi) Details of lighting to the rooftop area, including type of lighting proposed, hours of operation, and specifying compliance with Australian Standard 4282-2023 "Control of the Obtrusive Effects of Outdoor Lighting".

The updated Plan of Management must be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate.

- (b) The use must always be operated / managed in accordance with the approved Plan of Management.

**Reason**

To require amendments to the Plan of Management following assessment of the development.

**(14) REPAIRS AND WORKS FOR MAKING GOOD**

All new repairs and works for making good of existing building fabric are to be carried out on a like for like basis and match the existing in terms of materials, colours, finishes, sizes, profiles and properties.

**Reason**

To ensure repairs and works for making good are appropriate.

**(15) VISITOR AND TOURIST ACCOMMODATION - USE AND OPERATION**

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010 and regulations thereunder and *Sydney Development Control Plan 2012 – 4.4.8*.

**Reason**

To ensure the development operates as a tourist and visitor accommodation use.

**(16) LENGTH OF STAY**

The maximum length of stay for guests at the premises must not exceed 28 consecutive days.

**Reason**

To ensure the maximum length of stay is consistent with the controls.

**(17) SIGNAGE STRATEGY**

No signage is approved under this development consent. A separate development application is to be submitted seeking approval of a signage strategy for the approved development under this consent. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

**Reason**

To require separate consent to be obtained for a signage strategy.

**(18) STORAGE FACILITIES**

The development must provide individual, secure lockable storage facilities of a minimum capacity of 0.6 cubic metres per person within sleeping rooms, as per Provision 4.4.8.4(2)(d) of the Sydney Development Control Plan 2012.

**Reason**

To ensure the premises provides for guest to individually store baggage and travel items within the sleeping rooms.

## **PART B - BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(19) APPROVED ACOUSTIC REPORT**

The Renzo Tonin & Associates dated 24.02.2026, ref TP073-01F02 acoustic assessment for DA(r4), titled Acoustic Assessment for DA is approved.

Where there is a conflict between the approved acoustic report and this development consent, this consent prevails.

#### **Reason**

To specify an acoustic report for reference in other noise control conditions.

### **(20) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE**

Prior to the issue of a relevant construction certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant is required to review the relevant building plans, specifications, and associated documentation, and must:
  - (i) Verify that the construction plans, drawings, and construction methodology for the development are consistent with the approved acoustic report and comply with all relevant conditions and documentation of this consent.
  - (ii) Resolve any non-compliances through amended construction plans, drawings, and construction methodology as necessary.
  - (iii) Ensure that all requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of the above tasks, the consultant must provide written notification to the Certifier outlining any identified non-compliances.

#### **Reason**

To ensure detailed construction and fit plans comply with the relevant standards in the approved acoustic report.

### **(21) NOISE - CERTIFICATION OF ACOUSTIC DESIGN AND CONTINUED INTEGRITY PRIOR TO CONSTRUCTION CERTIFICATE**

Prior to the issue of a relevant construction certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

- (b) The consultant must review the relevant building work plans and specifications and ensure that:
  - (i) The proposed works do not interfere with the functionality of, or reduce the effectiveness of, any existing noise mitigation measures at the premises.
  - (ii) The premises remains capable of meeting all applicable noise criteria as approved under development consent D/2025/1026.
  - (iii) Any necessary amendments are made to the final plans, drawings, and construction specifications to ensure compliance with this condition and any other relevant conditions of the consent.
  - (iv) These requirements are completed to the written satisfaction of the Certifier.
- (c) Upon completion of the above tasks, the consultant must notify the Certifier in writing of any identified non-compliances.

**Reason**

To ensure the acoustic amenity of surrounding developments is maintained as a result of the development.

**(22) BICYCLE PARKING AND END OF TRIP FACILITIES**

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

| Bicycle Parking Type          | Number | Requirements                              |
|-------------------------------|--------|-------------------------------------------|
| Backpackers                   | 11     | Spaces must be Class 2 bicycle facilities |
| Backpacker staff/<br>employee | 3      | Spaces must be Class 2 bicycle facilities |
| End of Trip Facility Type     | Number |                                           |
| Showers with change area      | 1      |                                           |
| Personal lockers              | 3      |                                           |

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

**Reason**

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

**(23) WASTE AND RECYCLING MANAGEMENT – GENERAL**

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

**Reason**

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

**(24) DILAPIDATION REPORT – MINOR**

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.

**Reason**

To ensure that dilapidation reports are prepared and to identify damage to for adjoining/nearby properties resulting from building work on the development site.

**(25) STRUCTURAL CERTIFICATION FOR DESIGN – BUILDING CODE OF AUSTRALIA (ALL BUILDING CLASSES)**

Prior to the issue of a Construction Certificate, structural details and a structural certificate for design by a qualified practising structural engineer and in accordance with Clause A5G3(1)(e) of the *Building Code of Australia* must be submitted to the satisfaction of the Registered Certifier.

**Reason**

To ensure structural certification is undertaken.

**(26) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS**

A qualified practising registered structural engineer must provide structural certification to the Registered Certifier verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of the *Building Code of Australia* prior to any Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

**Reason**

To ensure the existing structure can support the new loads.

**(27) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2 - *The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of any Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

**Reason**

To ensure the ventilation complies with relevant standards.

**(28) MATERIALS AND SAMPLES SCHEDULE**

A detailed material, colours and finishes schedule (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager prior to any Construction Certificate being issued.

The materials and samples schedule/board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**Reason**

To require the submission of a materials and samples board following assessment of the development.



**(29) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

**Reason**

To ensure that the impacts of construction traffic is appropriately managed.

**(30) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 54 square metres of Concrete and Granite pavers unit Darlinghurst Road frontage and 5 square metres of concrete Earl Street frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

**Reason**

To allow for the appropriate management and rectification of damage to the public domain.

**(31) PROTECTION OF STONE KERBS**

- (a) The existing stone kerbs on the [Darlinghurst Road frontage of the site are to be retained and properly protected during demolition, excavation and construction works.
- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.
- (c) Note the following:
  - (i) all costs associated with the works are to be borne by the developer.

- (ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.
- (v) Council approval is required before kerbs are removed.
- (vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.
- (vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.
- (viii) Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

**Reason**

To ensure the protection of stone kerbs.

**(32) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR**

Prior to the issue of any Construction Certificate, Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act and the recommended Flood Planning Level at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Approved Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

**Reason**

To ensure public domain levels and gradients comply with Council's requirements.

**(33) STORMWATER DRAINAGE DETAILED DESIGN**

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced Civil Engineer must be submitted to and approved by the City's Public Domain Unit.

The plan must be submitted with an Application for Approval of Stormwater Drainage, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The submission must include:

A certified stormwater drainage design complying with:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/public-domain-works/get-approval-connect-city-stormwater-system>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's underground drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

#### **Reason**

To ensure stormwater drainage design complies with Council's requirements.

#### **(34) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Table 2 Flood Planning Levels of the report titled 107-109 Darlinghurst Road Potts Point Site Flood Assessment prepared by WMAWater Pty Ltd, dated 25 March 2026.

Details must be submitted to the Registered Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

#### **Reason**

To ensure the development complies with the recommended flood planning levels.

**(35) DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages, including the CCTV of the adjacent drainage network (per the Sydney Streets Technical Specifications - 4.6.3 CCTV Footage requirements. Temporary Works Application is required to access the pits), is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/designcodestechnicalspecifications/public-domainmanual>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

**Reason**

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

**(36) STORMWATER – BASEMENT PUMP TIMING**

The stormwater basement pump out to kerb & gutter drainage system is subject to timed pumping between the hours of 12:00 midnight and 04:00 AM. The details of the pump out system, including timed pumping, must be included in the stormwater drainage detailed design for construction and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

**Reason**

To ensure the drainage system is operated in accordance with Council's requirements.

**(37) UPDATED WASTE MANAGEMENT PLAN**

Prior to the issue of a Construction Certificate, the Waste Management Plan is to be updated to align with the approved architectural drawings. Any amendments are to be limited to document alignment only and must not result in changes to the approved waste management strategy or collection arrangements.

**Reason**

To ensure the waste management plan is consistent with the approved architectural drawings.

**(38) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue of any Construction Certificate and Occupation Certificate the Registered Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the BCA; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

**Reason**

To ensure the external walls and cladding comply with relevant requirements.

**(39) INSTALLATION OF DUAL-FLUSH TOILETS**

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Registered Certifier, prior to a Construction Certificate being issued.

**Reason**

To ensure the provision of water efficient toilets.

**(40) INSTALLATION OF WATER EFFICIENT URINALS**

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Registered Certifier, prior to a Construction Certificate being issued.

**Reason**

To ensure the provision of water efficient urinals.

**(41) INSTALLATION OF WATER EFFICIENT TAPS**

All taps installed must be water efficient with at least a 5-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Registered Certifier, prior to any Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient taps.

**(42) INSTALLATION OF WATER EFFICIENT SHOWER HEADS**

All shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Registered Certifier, prior to any Occupation Certificate being issued.

**Reason**

To ensure the provision of water efficient shower heads.

## **PART C - BEFORE THE COMMENCEMENT OF BUILDING WORK**

### **(43) ROAD OPENING APPLICATION**

A separate road opening application under Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council prior to the commencement of any:

- (a) excavation in or disturbance of a public way, or
- (b) excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

#### **Reason**

To ensure that approval under the Roads Act is obtained.

### **(44) PUBLIC DOMAIN WORKS – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, including stormwater drainage works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

#### **Reason**

To ensure relevant approvals for public domain work are obtained.

### **(45) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);

- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

**Note:** 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

### **Reason**

To ensure the necessary approval is obtained for temporary structures over a public road.

## **(46) OTHER REQUIRED APPROVALS**

Any structure, attachment or activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the *Local Government Act 1993* and/or Section 138/139 of the *Roads Act 1993* prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (b) installation and/or alterations to advertising/business signs;
- (c) installation and/or alterations to street awnings;



- (d) crane operation and other hoisting activities;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices);
- (f) works zones (for loading and unloading from the roadway); and
- (g) temporary ground anchoring and shoring to support a roadway when excavating; and
- (h) any other structure or encroachment including facade elements/architectural features.

**Reason**

To ensure use of a public place is managed appropriately.

## PART D - WHILE BUILDING WORK IS BEING CARRIED OUT

### (47) USE OF INTRUSIVE APPLIANCES – NOT APPROVED

This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992".

A separate Section 4.55 application must be submitted to the Council for the use of any equipment of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992*.

#### Reason

To ensure the acoustic amenity of surrounding developments is maintained.

### (48) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

#### **Reason**

To ensure that the handling and removal of asbestos from the site is appropriately managed.

#### **(49) COMPLIANCE WITH NATIONAL CONSTRUCTION CODE**

All proposed work must comply with the *National Construction Code (previously known as Building Code of Australia)*.

#### **Reason**

(Prescribed condition - EP&A Regulation 2021 clause 69(1)).

#### **(50) FLASHINGS TO BOUNDARY WALLS**

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

**Reason**

To prevent water entering between the walls of adjoining properties

**(51) SYDNEY WATER CERTIFICATE (TAP-IN)**

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at [www.sydneywater.com.au](http://www.sydneywater.com.au), (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

**Reason**

To ensure the development satisfies Sydney Waters requirements.

**(52) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

**Reason**

To ensure the requirements of Sydney Water are met.

**(53) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Reason**

To protect the amenity of the surrounding area.

**(54) NO OBSTRUCTION OF PUBLIC WAY**

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

**Reason**

To protect the amenity of the public domain.

**(55) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

**Reason**

To protect the amenity of the public domain.

**(56) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

**Reason**

To ensure mobile cranes are used appropriately.

**(57) PUBLIC DOMAIN WORKS SECURITY BOND**

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**Reason**

To ensure public domain works are completed and any damage to the public domain is rectified.

**(58) DRAINAGE AND SERVICE PIT LIDS**

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

**Reason**

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

**(59) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey prepared, signed and dated by a registered surveyor, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

**Reason**

To ensure the public domain complies with Council's requirements.

**(60) HOLD POINTS**

A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works. These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Accredited Certifier.

**Reason**

To ensure hold points are adhered to during construction works.

**(61) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's underground drainage infrastructure system, an approved set of detailed stormwater construction plans must be submitted to the City's Public Domain Team with the Public Domain Plan Detailed Documentation for Construction for review and approval of stormwater drainage connection works.

**Reason**

To ensure approval of connection into the Council's drainage system is sought.



## **PART E – BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(62) VERIFICATION OF ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE**

Prior to the issue of any occupation certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney - Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant must inspect and review the completed development and ensure that:
  - (i) The final building work is assessed for compliance with the relevant acoustic Construction Certificate(s), the approved acoustic report, and all applicable noise-related conditions and documentation of this consent.
  - (ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.
  - (iii) All requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

#### **Reason**

To ensure the development complies with construction and fit out plans and the relevant standards in the approved acoustic report.

### **(63) ACCOMMODATION - REGISTRATION AND CARETAKER**

Prior to the issuing of any Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

#### **Reason**

To provide Council with adequate details of the backpacker accommodation use prior to operation.

**(64) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN**

Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities. Signage is to be generally in accordance with signage shown in *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The signage plan must be submitted to and approved by Council prior to the Occupation Certificate for the site being granted.

Signage is to be installed before the issue of any Occupation Certificate.

**Reason**

To ensure that the bicycle facilities are appropriately managed.

**(65) PHYSICAL MODELS**

- (a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

**Reason**

To ensure the provision of an appropriate physical model of the development.

**(66) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE**

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;

- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

#### **Reason**

To ensure the provision of an appropriate electronic model of the development.

### **(67) PUBLIC DOMAIN WORKS COMPLETION**

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

#### **Reason**

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

### **(68) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

### **Reason**

To ensure Council receives works-as-executed documentation for public domain works.

#### **(69) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.

### **Reason**

To protect underground drainage system.

#### **(70) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (with a minimum of NER) must be submitted to the Accredited Certifier prior to issue of any Occupation Certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report Table 2 Flood Planning Levels of the report titled 107-109 Darlinghurst Road Potts Point Site Flood Assessment prepared by WMAWater Pty Ltd, dated 25 March 2026.

### **Reason**

To ensure the development achieves the required floor levels.

#### **(71) FLOOD RISK MANAGEMENT**

Prior to the issue of any Occupation Certificate, a certification report prepared by a suitably qualified practitioner engineer (with a minimum of NER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Accredited Certifier. A copy of the report must be provided to Council for record keeping purposes.

### **Reason**

To ensure flood risk management measures are complied with.

#### **(72) RESTRICTION ON DEVELOPMENT**

A restrictive covenant is to be registered on the title of the development site, requiring development on site to be compliant with the report titled **107-109 Darlinghurst Road Potts Point Site Flood Assessment prepared by WMA Water Pty Ltd, dated 25 March 2026.**

The covenant is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier.  
All costs of the preparation and registration of all associated documentation are to be borne by the applicant.

**Reason**

To ensure flood risk management measures are complied with.

## **PART F – OCCUPATION AND ONGOING USE**

### **(73) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### **Reason**

To ensure the site is authorised for occupation.

### **(74) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons (excluding staff) permitted in the premises at any one time is 113 persons.
- (b) The manager is responsible for ensuring the number of persons in the premises does not exceed that specified above.

#### **Reason**

To ensure the premises can safely accommodate guests and staff and safeguard the amenity of the surrounding neighbourhood.

### **(75) MAXIMUM OCCUPANCY – SLEEPING ROOMS**

The maximum number of persons to be accommodated in each sleeping room must not exceed 8 guests, as per Section 4.4.8.4(2)(b) of the Sydney DCP 2012.

**Reason** To ensure the premises can safely accommodate guests and ensure adequate internal amenity.

### **(76) MAXIMUM LENGTH OF STAY**

The maximum length of stay for guests is 28 consecutive days, as per Section 4.4.8.4(2)(c) of the Sydney DCP 2012.

#### **Reason**

To ensure the premises can safely accommodate guests and is used for its intended approved use.

### **(77) SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with coverage to:
  - (i) All entrance/s and exits used by the public including a 10m radius of these entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets).

- (b) All CCTV recording equipment and cameras must be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.
- (c) CCTV recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be automatically recorded. The CCTV recording equipment must be capable of reproducing a digital copy.
- (d) All CCTV recording devices and cameras must be checked to ensure the equipment is operating correctly.
- (e) When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.

**Reason**

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

**(78) COPIES OF CONSENTS AND MANAGEMENT PLANS**

A copy of the current development consent(s) for the operation of the premises, and the Plan of Management must be kept on-site and made available to Authorised Officers.

**Reason**

To ensure all relevant approved documents are available on-site upon request.

**(79) INACCESSIBLE ROOF AREAS**

The inaccessible roof areas identified on the approved architectural drawings must remain inaccessible for the lifetime of the property.

**Reason**

To ensure inaccessible roof areas are not used for unintended purposes.

**(80) HOURS OF OPERATION – OUTDOOR COMMUNAL AREA**

The outdoor rooftop communal area is to be used only between the hours of 7:00am to 10:00pm daily, and in accordance with the approved Plan of Management.

**Reason**

To protect acoustic amenity.

**(81) MAXIMUM OCCUPANCY – OUTDOOR COMMUNAL AREA**

- (a) The maximum number of people permitted to use the outdoor rooftop communal area is to be restricted to a maximum of 14 people at any one time, in accordance with the approved acoustic report.

- (b) The manager is responsible for ensuring the number of persons using the outdoor rooftop communal area does not exceed that specified above.

**Reason**

To protect acoustic amenity.

**(82) MANAGING NOISE**

The premises must be operated and managed in accordance with the approved acoustic report for this consent.

All physical aspects of the building's structure must be installed to meet performance parameters in accordance with this condition, and requirements of this consent, must be maintained and correctly used at all times. Where there is a conflict with the approved acoustic report and a requirement of this development consent, this consent prevails.

**Reason**

To protect the amenity of the local area.

**(83) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq,15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.



**Reason**

To protect the acoustic amenity of surrounding properties.

**(84) SCHEDULED COLLECTIONS – COMMERCIAL**

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places*.
- (b) Waste and recycling stream(s) bins must not be placed at the nominated collection point more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection occurring.

**Reason**

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

**(85) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties, including any lots under separate land ownership.

**Reason**

To protect neighbouring properties.

**(86) ENCROACHMENTS – PUBLIC WAY**

With the exception of the existing awning over the Darlinghurst Road footpath and the approved front façade projection over the Darlinghurst Road site boundary, no portion of the proposed structure, including but not limited to downpipes, roof gutters, gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**Reason**

To protect the public way.

**(87) EASEMENTS**

The proposed development shall operate within the terms of all easements which relate to the site at all times.

**Reason**

To protect easement terms and rights.

**(88) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

**Reason**

To ensure all works to the City's public domain are protected under a liability period.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

**The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:**

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>